

Notice of Allowability

Application No.

09/776,298

Examiner

Chester T. Barry

Applicant(s)

SASOWSKY ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/10/04.
2. ☒ The allowed claim(s) is/are 1-5 and 7-13.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

Chester T. Barry
571-272-1152 direct
Art Unit: 1724

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Specification:

Page 5 lines 6 – 8 were deleted because no drawing was originally filed with the application.

At page 10 line 30, "and is shown in Figure 1" was deleted.

At page 10 line 30, "This shows that" was also deleted.

The following is an examiner's statement of reasons for allowance:

USP 4764284 to JANSEN describes process for removing metals from water comprising fluidizing alkali carbonate (not calcium carbonate lithic material), seed material, and gravel onto the lattermost of which metal carbonate crystals preferentially precipitate. Insofar as Jansen is an improvement over a prior process using calcium carbonate (col 1 line 10) which suffered from certain water-related drawbacks 1/38, it would not have been obvious to have substituted calcium carbonate or calcium carbonate-bearing lithic materials for the alkali carbonates taught by Jansen.

The Netherlands published patent application No. 7108132 discussed by Jansen was not immediately available for review. It appears to describe addition of calcium

Art Unit: 1724

carbonate to the waste water from which metals were to be removed followed by filtration of the resulting material over a gravel filter. Col 1 lines 10-16.

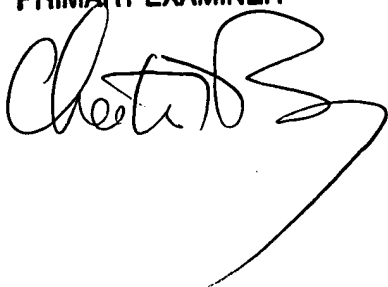
5158686 and 5156746 are cited of interest.

USP 20040031753, although not prior art, is cited of interest for its disclosure of a lithic calcium carbonate layer 11 disposed apart from, i.e., distributed from, a lower gravel layer 15. An intermediate layer 13 may comprise fine gravel. See paragraph [0019]. Zinc is removed from zinc-laden runoff water.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

571-272-1152

CHESTERT. BARRY
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Chestert. Barry', with a long, sweeping underline that extends to the right.